

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

UNITED STATES OF AMERICA,

v.

Case No. 6:19-cr-47-Orl-37DCI

JAMES JOHN EDWARDS

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**ORDER**

In the instant criminal action, the Court held a suppression hearing on May 23, 2019, following Defendant's motion to suppress statements (Doc. 27 ("**Motion**")), and the Government's response (Doc. 32). This Order memorializes the Court's findings.

During the execution of a search warrant at Defendant's residence on February 7, 2019, Defendant was handcuffed and interviewed by two agents following waiver of his *Miranda* rights. (Doc. 27, ¶ 1, 3; Doc. 32, p. 4.) At minute 15:37, Defendant stated, "I have an attorney that I should probably be talking to." (Doc. 32-1 (recording of interview).) The agents kept questioning him. (*Id.*) At 16:53, Defendant again stated, "I have an attorney that I should probably be talking to." (*Id.*) The agent responded, "So basically you're saying you're invoking your right to an attorney." (*Id.*) At 17:07, Defendant responded, " . . . yeah, I don't see any reason not to." (*Id.*)

Defendant moves to suppress all statements made after "approximately 15 minutes and 30 seconds" when he first mentioned an attorney (Doc. 27, p. 1), which the Court finds is at 15:37 based on the recording (Doc. 32-1). In response, the Government submits that it does not plan to introduce any statements made by Defendant after 17:00,

but Defendant's first statement was not a clear invocation of his right to an attorney so the statements between 15:37 and 16:59 should not be suppressed. (Doc. 32, p. 6.)

As stated at the hearing, the Court finds Defendant's statements at 15:37 and 16:43 equivocal based on *Edwards v. Arizona*, 451 U.S. 477, 484–85 (1981), *Davis v. United States*, 512 U.S. 452, 459–62 (1994), and *Coleman v. Singletary*, 30 F.3d 1420, 1423–25 (11th Cir. 1994). As such, Defendant did not clearly invoke his right to counsel, and the agents were not required to cease questioning. *Davis*, 512 U.S. at 459–60 (declining to “require law enforcement officers to cease questioning immediately upon the making of an ambiguous or equivocal reference to an attorney”). And because these are the only statements at issue,<sup>1</sup> the Court finds the Motion is due to be denied.

Accordingly, consistent with the Court's ruling at the suppression hearing, it is **ORDERED AND ADJUDGED** that Defendant's Opposed Motion to Suppress Statements (Doc. 27) is **DENIED**.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on May 23, 2019.



  
ROY B. DALTON JR.  
United States District Judge

Copies to:  
Counsel of Record

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<sup>1</sup> At the hearing, the Court found Defendant's response to the agent's clarifying question at 17:07 was an unequivocal invocation of his right to counsel.